

DECISION



*Has further*  
THE COMPTROLLER GENERAL  
OF THE UNITED STATES

WASHINGTON, D.C. 20548

*17676*  
[Protest of IFB Cancellation]

FILE: B-202287

DATE: April 7, 1981

MATTER OF: Paragon Energy Corporation

DIGEST:

Bid protest will not be considered because material issues involved are also before court of competent jurisdiction and court has not indicated interest in obtaining GAO's views on issues.

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Paragon Energy Corporation has protested the cancellation of United States Army Corps of Engineers invitation for bids No. 81-7. The company maintains that instead of canceling the invitation the Army should have awarded it the contract. Paragon also informs us that it has recently filed a complaint in the same matter in the United States District Court for the Western District of Texas. The complaint makes no mention of the protest pending before our Office.

It is our policy not to decide matters where the material issues involved are before a court of competent jurisdiction unless the court expects, requests, or otherwise expresses interest in receiving our decision. 4 C.F.R. § 20.10 (1980). Since the court has not indicated an interest in our views, we will take no further action on the matter. Dumont Oscilloscope Laboratories, Inc., B-192982, February 2, 1979, 79-1 CPD 79.

Accordingly, the protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel

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